

REMARKS

The present amendment is in response to the Office Action dated May 14, 2004. Claims 1-15 are pending in the instant application. Claims 1-15 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Published Application No. 2001/0026677A1 to *Chen et al.* ("*Chen*"). Applicant respectfully traverses the rejection for the following reasons.

The instant application was filed on July 25, 2001 claiming priority to Japanese Application No. P2000-224367, which was filed on July 25, 2000. The Examiner acknowledged applicant's claim for foreign priority at page 2 in the pending Office Action. An English language translation of the Japanese priority document is enclosed along with a statement that the translation is accurate.

Chen was filed on May 2, 2001 and published on October 4, 2001. *Chen* claims the benefit of U.S. Provisional Patent Application No. 60/238,495, which was filed on October 6, 2000. Both *Chen* and the Provisional Patent Application were filed after the priority date of July 25, 2000. *Chen* is also a continuation-in-part of application No. 09/196,709, which was filed on November 20, 1998 and issued on August 13, 2002 ("the '195 patent").

The '195 patent is directed to "a method for providing splicing of progressively refreshed video streams that minimizes noticeable artifacts." (Col. 2, lns. 9-11.) According to the '195 patent, "The present invention overcomes the problem of progressive refresh related artifacts by commencing processing of a frame to be inserted prior to the insertion time." (Col. 2, lns. 31-33.) Once a frame is decompressed, "it is recompressed as an intra-coded (I) frame. Such intra-coded frames are able to be reconstructed without referring to any other frame, and therefore are not subject to progressive

refresh. After the recovered frame is recompressed as an I frame, it is used as the first frame inserted at the insertion point." (Col. 2, lns. 38-44.) Only two figures are provided in the '195 patent. The figures show data streams that can be spliced together.

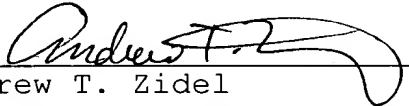
In rejecting independent claims 1, 7 and 13, the Examiner relied on FIGS. 2-3 of Chen. Chen does not include the figures from the '195 patent and, more importantly, none of the figures from Chen are present in the '195 patent. Furthermore, the '195 patent does not teach or suggest all of the elements in any of independent claims 1, 7, 10 or 13. For example, the '195 patent does not teach or suggest decoding an intra slice or an intra macroblock of a predictive coded picture "without waiting for said intra picture to be decoded." Therefore, because (1) the '195 patent does not provide support for FIGS. 2-3 of Chen that the Examiner relies on, and (2) the Provisional Patent Application was filed after the priority date of the instant application, applicant respectfully submits that Chen cannot be used as prior art against the claimed invention. Applicant respectfully requests that the 102(e) rejection be withdrawn, and submits that claims 1-15 are in condition for allowance.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: August 6, 2004

Respectfully submitted,

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